

WEIL, GOTSHAL & MANGES LLP
767 Fifth Avenue
New York, New York 10153
Telephone: (212) 310-8000
Facsimile: (212) 310-8007
Garrett A. Fail

Attorneys for Lehman Brothers Holdings Inc.
and Certain of Its Affiliates

**UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF NEW YORK**

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In re : **Chapter 11 Case No.**
LEHMAN BROTHERS HOLDINGS INC., et al., : **08-13555 (SCC)**
Debtors. : **(Jointly Administered)**
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**APPELLEE-PLAN ADMINISTRATOR'S COUNTER-DESIGNATION OF
ADDITIONAL ITEMS TO BE INCLUDED IN THE RECORD ON APPEAL**¹

Appellee Lehman Brothers Holdings Inc., as Plan Administrator under the *Modified Third Amended Joint Chapter 11 Plan of Lehman Brothers Holdings Inc. and Its Affiliated Debtors* (“LBHI”), hereby designates, pursuant to Rule 8009(a)(2) of the Federal Rules of Bankruptcy Procedure (the “Bankruptcy Rules”), the following additional items to be included in the record on the appeal filed by Joseph Waske (the “Appellant”):²

¹ The items designated for inclusion in the record herein are in reference to the appeal of Joseph Waske under the caption *Joseph Waske v. Lehman Brothers Holdings Inc.*, Case No. 1:20-cv-05083-RA. Please transmit the items designated herein to the docket of each appeal.

² Although LBHI disagrees with aspects of the statement of issues on appeal as asserted by Appellant, LBHI has not stated the issues on appeal more accurately herein because Rule 8009 of the Bankruptcy Rules does not provide for the filing of an appellee’s statement of the issues (absent a cross-appeal). LBHI, therefore, reserves its right to properly state the issues on appeal in its appellate brief.

COUNTER-DISIGNATION OF RECORD

LBHI hereby designates the additional items outlined below to be included in the record, and, as applicable, incorporates the items designated by Appellant. Appellant's designation of the record, however, did not specify whether it was including all exhibits and attachments to the items designated. For the avoidance of doubt, for the items designated by either LBHI or the Appellant, LBHI treats the designations as including *all* exhibits and attachments to such items, whether listed or not by either LBHI or the Appellant. Moreover, while LBHI does not, at this time, object to any items designated by the Appellant, LBHI does not concede the relevance of any such items.

The additional items to be included in the record are as follows:

Designation Number	ECF Number	Date of Filing	Description
1.	4271	7/02/2009	Order Establishing the Deadline for Filing Proofs of Claim, Approving the Form and Manner of Notice Thereof and Approving the Proof of Claim Form
2.	12413	10/28/2010	Order Granting Debtors Forty-First Omnibus Objection to Claims
3.	12527	11/03/2010	Order Granting Debtors Fortieth Omnibus Objection to Claims
4.	12671	11/10/2010	Order Granting Debtors Forty-Eighth Omnibus Objection to Claims
5.	12676	11/10/2010	Order Granting Debtors Fifty-Fifth Omnibus Objection to Claims
6.	12835	11/17/2010	Order Granting Debtors Fiftieth Omnibus Objection to Claims
7.	12893	11/18/2010	Order Granting Debtors Forty-Ninth Omnibus Objection to Claims
8.	18427	7/12/2011	Order Granting Debtors One Hundred Forty-Third Omnibus Objection to Claims

Designation Number	ECF Number	Date of Filing	Description
9.	19528	8/25/2011	Supplemental Order Granting Debtors One Hundred Fifty-Second Omnibus Objection to Claims (Amended and Superseded Claims)
10.	19629	9/01/2011	Debtors Disclosure Statement for Third Amended Joint Chapter 11 Plan of Lehman Brothers Holdings Inc. and its Affiliated Debtors Pursuant to Section 1125 of the Bankruptcy Code
11.	19631	9/01/2011	Amended Order (I) Approving the Proposed Disclosure Statement and the Form and Manner of Notice of the Disclosure Statement Hearing, (II) Establishing Solicitation and Voting Procedures, (III) Scheduling a Confirmation Hearing, and (IV) Establishing Notice and Objection Procedures for Confirmation of the Debtors Joint Chapter 11 Plan
12.	20107	11/16/2011	Debtors Two Hundred and Eighteenth Omnibus Objection to Disallow and Expunge Certain Filed Proofs of Claim
13.	22737	11/29/2011	Modified Third Amended Joint Chapter 11 Plan of Lehman Brothers Holdings Inc. and its Affiliated Debtors filed by Lori R. Fife on behalf of Lehman Brothers Holdings Inc.
14.	23023	12/06/2011	Order Confirming Modified Third Amended Joint Chapter 11 Plan of Lehman Brothers Holdings Inc. and Its Affiliated Debtors
15.	23049	12/07/2011	Order Granting Debtors Two Hundred Eighteenth Omnibus Objection to Disallow and Expunge Certain Claims
16.	23049	2/07/2011	Order Granting Debtors Two Hundred Eighteenth Omnibus Objection to Disallow and Expunge Certain Claims
17.	26039	3/06/2012	Notice of Effective Date and Distribution Date in Connection with the Modified Third Amended Joint Chapter 11 Plan of Lehman Brothers Holdings Inc. and its Affiliated Debtors
18.	27630	4/27/2012	Supplemental Order Granting Debtors Two Hundred Eighteenth Omnibus Objection to Disallow and Expunge Certain Claims

Designation Number	ECF Number	Date of Filing	Description
19.	46304	9/13/2014	Rickey Gregory Response to Order Granting Motion for Authorization for Lehman Brothers Special Financing Inc. and Lehman Brothers Commercial Corporation to invest disputed claims reserves for claim numbers 66455 and 66476
20.	59409	1/22/2019	Joint Liquidators' Motion for an Order Enforcing the Modified Third Amended Joint Chapter 11 Plan of Lehman Brothers Holdings Inc. and Its Affiliated Debtors for Purposes of Distributions
21.	59549	2/25/2019	Plan Administrators Objection to Motion to Allow Late Claim
22.	59555	2/26/2019	Rickey Gregory Letter in Support of Joint Liquidators Motion for an Order Enforcing the Modified Third Amended Joint Chapter 11 Plan of Lehman Brothers Holdings Inc. and Its Affiliated Debtors for Purposes of Distributions
23.	59614	4/08/2019	Motion for an Order Enforcing the Modified Third Amended Joint Chapter 11 Plan of Lehman Brothers Holdings Inc. and Its Affiliated Debtors for Purposes of Distributions
24.	59659	4/25/2019	Joinder of M. Gregory Rex Wu's Motion
25.	59680	5/06/2019	Statement Notice of Errata re: Rex Wu's Motion
26.	59686	6/06/2019	Letter to Judge Chapman re: Support for Rex Wu's Motion
27.	59715	5/13/2019	Rex Wu letter regarding Joinder to Motion for an Order Enforcing the Modified Third Amended Joint Chapter 11 Plan of Lehman Brothers Holdings Inc. and its Affiliated Debtors for Purposes of Distributions
28.	59735	5/23/2019	Joinder of Dan Ianello to Motion of Rex Wu to Approve Motion for an Order Enforcing the Modified Third Amended Joint Chapter 11 Plan of Lehman Brothers Holdings Inc. and its Affiliated Debtors for Purposes of Distributions
29.	59736	5/23/2019	Joinder of Julie Ianello to Motion of Rex Wu to Approve Motion for an Order Enforcing the Modified Third Amended Joint Chapter 11 Plan of Lehman Brothers Holdings Inc. and its Affiliated Debtors for Purposes of Distributions

Designation Number	ECF Number	Date of Filing	Description
30.	59738	5/29/2019	Plan Administrator's Objection to Motion to Allow Late Claim
31.	59741	5/31/2019	Joinder of Alex Olivo to Rex Wu's Motion
32.	59751	6/06/2019	Response to the Plan Administrator's Objection to Notice of Motion for an Order Enforcing the Modified Third Amended Joint Chapter 11 Plan of Lehman Brothers Holdings Inc. and its Affiliated Debtors for Purposes of Distributions
33.	59753	6/03/2019	Joinder of Glen A. Blaze to Rex Wu's Motion
34.	59755	6/04/2019	Joinder of Elizabeth Harrison to Rex Wu's Motion
35.	59772	6/13/2019	Objection to the Timing of the Early Distribution
36.	59773	6/13/2019	Motion of Rex Wu to Demand Services
37.	59789	6/18/2019	Objection to the Motion of Plan Administrator for an Order in aid of Execution of the Modified Third Amended Chapter 11 Plan of Lehman Brothers Holdings Inc. and its Affiliated Debtors
38.	59790	6/18/2019	Objection of the Motion of Plan Administrator for an Order in aid of Execution of the Modified Third Amended Chapter 11 Plan of Lehman Brothers Holdings Inc. and its affiliated Debtors
39.	59791	6/18/2019	Objection to the Motion of Plan Administrator for an Order in aid of Execution of the Modified Third Amended Chapter 11 Plan of Lehman Brothers Holdings Inc. and its Affiliated Debtors
40.	59792	6/18/2019	Motion to Approve Motion to Demand Service
41.	59793	6/18/2019	Motion to Approve Motion to Demand Service
42.	59801	7/02/2019	Order Denying Motion for an Order Enforcing the Modified Third Amended Joint Chapter 11 Plan of Lehman Brothers Holdings Inc. and its Affiliated Debtors for Purposes of Distributions filed by Rex Wu (ECF NO. 59614) and Overruling Related Objections to the Timing of Eighteenth Distribution
43.	59816	7/11/2019	Notice Regarding Eighteenth Distribution Pursuant to the Modified Third Amended Joint Chapter 11 Plan of Lehman Brothers Holdings Inc. and Its Affiliated Debtors
44.	59913	8/28/2019	Letter to Judge Chapman

Designation Number	ECF Number	Date of Filing	Description
45.	60337	1/2/2020	Motion To Reclassify
46.	60348	1/7/2020	Joinder To Motion To Reclassify
47.	60354	1/9/2020	Joinder To Motion Of Joseph J. Waske
48.	60379	1/21/2020	Statement Joinder To Motion To Reclassify Shares Filed By Joseph J. Waske
49.	60381	1/22/2020	Statement Joinder To Motion To Reclassify Shares Filed By Joseph J. Waske
50.	60400	1/3/2020	Letter To Judge Chapman
51.	60403	1/31/2020	Response To Plan Administrators Objection To Motion To Reclassify
52.	60448	2/25/2020	Motion To Reserve For Motion To Reclassify
53.	60478	3/09/2020	Letter In Support Of Motion By Joseph Waske
54.	60479	3/09/2020	Letter In Support Of Motion By Joseph Waske
55.	60484	3/20/2020	Motion for Summary Judgment
56.	60482	3/24/2020	Objection to Motion to Reserve
57.	60493	3/30/2020	Certificate of Service
58.	60495	4/01/2020	Order of U.S. District Court Judge Paul A. Engelmayer dismissing Ianello/Wu Appeal
59.	60498	4/06/2020	Notice of Telephonic Hearing
60.	60507	4/09/2020	Letter to Judge Chapman
61.	60508	4/14/2020	Memorandum Endorsed Order Denying Request
62.	60509	4/14/2020	Notice of Memorandum Endorsed Order Denying Request
63.	60542	4/20/2020	Response to Objection to Motion to Reserve
64.	60641	5/18/2020	Plan Administrator's Objection to Motion for Summary Judgment
65.	60642	5/19/2020	Response to Plan Administrator's Objection to Motion for Summary Judgment
66.	60645	5/23/2020	Letter to Honorable Shelley C. Chapman filed by Alvin Wilson

Designation Number	ECF Number	Date of Filing	Description
67.	60653	5/28/2020	Notice of Agenda of Matters Scheduled for Hearing on June 3, 2020 at 10:00 AM EST
68.	60654	6/03/2020	Letter to Honorable Shelley C. Chapman filed by Michael Logan
69.	60655	6/03/2020	Letter to Honorable Shelley C. Chapman filed by Rex Wu
70.	60655	6/05/2020	Letter to Honorable Shelley C. Chapman filed by Rex Wu
71.	60678	6/11/2020	Order Denying (I) Motion to Reclassify (Related Doc # [60337]); (II) Motion to Reserve for Motion to Reclassify (Related Doc # [60448]); and (III) Motion for Summary Judgment (Related Doc # [60484])
72.	60680	6/13/2020	Affidavit: Important Covenants to Lehman Brothers Holdings Communication
73.	60681	6/15/2020	Letter to Honorable Shelley C. Chapman filed by Alex Olivo
74.	60685	6/24/2020	Letter to Honorable Shelley C. Chapman filed by Rex Wu
75.	60697	6/23/2020	Transcript from hearing held June 3, 2020
76.	60699	7/1/2020	Affidavit: Important Covenants to Lehman Brothers Holdings Communication
77.	60707	7/3/2020	Affidavit Communication to LBIE and High Court Re Distribution, filed by Rex Wu
78.	60746	7/22/2020	Statement: Re In the Matter of Lehman Brothers International (Europe) (In Administration) and In the Matter of the Insolvency Act of 1986 case # 7942 of 2008 CR-2008-000012
79.	Exhibit A hereto	6/19/2019	Transcript from hearing held on June 19, 2019
80.	Exhibit B hereto	9/21/2009	Capital Trust III Allowed Claim No. 21805 against LBHI
81.	Exhibit C hereto	9/21/2009	Capital Trust IV Allowed Claim No. 22122 against LBHI
82.	Exhibit D hereto	9/21/2009	Capital Trust V Allowed Claim No. 22123 against LBHI

Designation Number	ECF Number	Date of Filing	Description
83.	Exhibit E hereto	11/30/2011	Capital Trust VI Allowed Claim No. 67753 against LBHI

Dated: July 29, 2020
New York, New York

/s/ Garrett A. Fail
WEIL, GOTSHAL & MANGES LLP
767 Fifth Avenue
New York, New York 10153
Telephone: (212) 310-8000
Facsimile: (212) 310-8007
Garrett A. Fail
(Garrett.Fail@Weil.com)

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